

Filed for intro on 02/15/95
House Bill _____
By _____

Senate No. SB1499
By Haynes

AN ACT to amend Tennessee Code Annotated, Title 16, relative to service of process for General Sessions Courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 15, is amended by adding Sections 2 through 6 of this act as a new part.

SECTION 2. The sheriff of the county, or any deputy sheriff or constable thereof, shall serve regular process, writs and papers issued by the court of general sessions with the same authority as provided by law in the other inferior courts. The sheriff shall designate a court officer to wait on the court at all times such court is in session.

SECTION 3. Process in any suit against a county shall be served on the county executive, or if he is absent from the county, on the county attorney if there is one designated; if not, then on the county clerk.

SECTION 4. Process in any suit against a municipality shall be served on the chief executive officer thereof, or on the city attorney.

SECTION 5. (a) Original process shall be served on individuals by delivering a copy of the warrant personally to the person to be served, or if he evades or attempts to evade service

or if he is an infant or incompetent, by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, whose name shall appear on the proof of service, or by delivering a copy to an agent authorized by appointment or by law to receive service on behalf of such person to be served.

(b) Service of original process may be had upon a domestic corporation, or upon a foreign corporation doing business in this state, by delivering a copy of the warrant to an officer or managing agent thereof, or to the chief agent in the county where the action is brought, or by delivering the copy to any other agent authorized by appointment or by law to receive service on behalf of the corporation.

(c) Service of original process upon a partnership or upon an unincorporated association which is named defendant under a common name may be had by delivering a copy of the warrant to a partner or managing agent of the partnership or to an officer or managing agent of the association, or to an agent authorized by appointment or by law to receive service on behalf of the partnership or association.

SECTION 6. (a) Notwithstanding the requirements for service of process in Section 5 of this act, service of process may be made by the plaintiff, his attorney or his agent by lodging the original warrant and a copy, certified by the clerk of the court of general sessions, with the sheriff of the county in which suit is brought, who shall promptly send, postage prepaid, a certified copy by certified return receipt mail with delivery restricted to the individual as follows:

(1) In the case of an individual defendant, to the party named;

(2) In the case of a domestic corporation or a foreign corporation doing business in this state, to an officer or managing agent thereof, or to the chief agent in the county where the action is brought or to any other agent authorized by appointment or by law to receive service on behalf of the corporation;

(3) In the case of a partnership or an unincorporated association which is a named defendant under a common name, to a partner or managing agent of the

partnership or to an officer or managing agent of the association, or to an agent authorized by appointment or by law to receive service on behalf of the partnership or association;

In any case in which said warrant or process is returned undelivered for any reason whatsoever, service of process shall then be made as otherwise provided by law.

(b) The original process, endorsed as indicated below, an affidavit of the appropriate sheriff setting forth his compliance with the requirements of the preceding provisions, and the return receipt signed by the defendant shall be attached together and sent to and filed by the clerk of the court of general sessions. There shall be endorsed on the original warrant by the sheriff over his signature the date of his mailing the certified copy to the defendant; thereupon personal service of the defendant shall be consummated. An act of a deputy of the sheriff in his behalf hereunder shall be deemed the equivalent of the act of the latter.

(c) When service of process by mail is made upon one or more individual defendants, service of process shall not be complete as to any individual unless a return receipt signed or acknowledged on its face by the individual himself is returned to the deputy sheriff.

(d) The provisions of this section shall apply to service of process for collection of back taxes as provided in Title 67.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

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